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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,661	04/12/2000	William T. Rowse	200-0053	5848

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT PAPER NUMBER

3629

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/547,661

Applicant(s)

ROWSE ET AL.

Examiner

Jonathan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20050211.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. Claims 1, 4, 5, 7-14, 38, 40 and 42-45 are currently pending in application 09/547,661.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, 40, and 43-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Chainer (US 6,397,344 B1).
4. As per independent Claims 1 and 40, Chainer discloses a system comprising: a service station having a first computer (composite generator, abstract) and a removable integrated digital camera (camera system, abstract, Fig.4) and scanner unit [vehicle identification device] (receiver, abstract, Fig.4); a reviewer station having a second computer (submitted to an insurance company system, Claims 59-63); and a communication port [network] (communication port inherent in electronic communication) able to connect the first computer at the service station with the second computer at the reviewer station (C1 L12-15, C2 L12-42).

5. The remaining elements of the independent claims would be considered intended use of the claimed system, and the cited prior of Chainer would be capable of completing the claimed elements, based on the use of the same claimed systematic technology.
6. As per Claim 5, Chainer discloses wherein the at least one identifying indicia is watermarked onto the one or more photographs.
7. As per Claim 43, Chainer discloses wherein the identification device is a barcode scanner.
8. As per Claim 44, Chainer discloses wherein the identifier is watermarked onto the at least one image.
9. As per Claim 45, Chainer discloses wherein communication between one or more of the devices is via one or more cables.
10. **Claims 1 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Bunte et al. (US 6,330,975 B1).**
11. As per independent Claims 1 and 40, Bunte discloses a system comprising: a service station having a first computer (terminal or host unit, C3 L7-17) and a removable integrated digital camera (photo image capture, C1 L31-42) and scanner unit [vehicle identification device] (coded image capture, C1 L31-42); a reviewer station having a second computer (Central Location/remote location, C3 L42-51, C5 L50-53); and a communication port [network] (wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15) able to connect the first computer at the service station with the second computer at the reviewer station (Fig.3, Fig.9).

12. The remaining elements of the independent claims would be considered intended use of the claimed system, and the cited prior art of Bunte would be capable of completing the claimed elements, based on the use of the same claimed systematic technology.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The rejection of Claims 1, 5, 40, 44, and 45 under 35 U.S.C. 103(a) as being unpatentable over DiRienzo et al (US 6,076,066) in view of Nikon ("Nikon Offers Digital Laptop Camera," National Underwriter Property & Casualty-Risk & Benefits Management, p19, July 7, 1997), and further in view of Manheim Auctions ("Manheim Puts Vehicles on the Web," Automotive News, p.18, June 1, 1998) is withdrawn due to the persuasiveness of applicant's arguments.

15. The rejection of Claims 7-9, 13 and 14 under 35 U.S.C. 103(a) as being unpatentable over DiRienzo in view of Nikon, in view of Manheim Auctions, and further in view of Bradbury (US 5,442,512) is withdrawn due to the persuasiveness of applicant's arguments.

16. The rejection of Claims 10-12 under 35 U.S.C. 103(a) as being unpatentable over DiRienzo in view of Nikon, in view of Manheim Auctions, in view of Bradbury, and

further in view of Harvey (US 6,208,507 B1) is withdrawn due to the persuasiveness of applicant's arguments.

17. **Claims 7-9, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chainer in view of Bradbury (US 5,442,512).**
18. As per Claim 7, Chainer fails to expressly disclose wherein the service station comprises a housing having a base and a base cover.
19. Bradbury teaches a system comprising: a housing having a removable service computer for receiving data indicative of a product concern (Abstract, C2 L3-43, C7 L53-59, C9 L22-23, Fig.1, Fig.9).
20. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the service station comprises a housing having a base and a base cover, as disclosed by Bradbury, in the system disclosed by Chainer, for the advantage of providing a system for processing a customer product concern with the ability to improve system protection/effectiveness, by supplying a secure environment for portable system components.
21. As per Claim 8, Chainer and *Bradbury* disclose wherein the base comprises a first recessed portion for receiving a computer.
22. As per Claim 9, Chainer and *Bradbury* disclose wherein the base further comprises a second recessed portion for receiving the integrated digital camera and scanner unit.
23. As per Claim 13, Chainer and Bradbury disclose wherein the service station (housing) comprises a power supply for providing electrical power to the integrated digital camera and scanner unit.

24. As per Claim 14, Chainer and *Bradbury* disclose wherein the service station (housing) comprises a battery charger for charging a battery included in the integrated digital camera and scanner unit for providing electrical power to same.
25. **Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chainer in view of Bradbury, and further in view of Harvey (US 6,208,507 B1).**
26. As per Claim 10, Chainer and Bradbury fail to expressly disclose wherein the second recessed portion further comprises a plurality of terminals for contacting a plurality of terminals on the integrated digital camera and scanner unit.
27. Harvey teaches a plurality of terminals for contacting a plurality of camera terminals on the digital camera assembly (Abstract, C1 L60-67, C2 L1-3, C2 L48-58, Fig.3, Fig.6).
28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of terminals for contacting a plurality of plurality of terminals on the integrated digital camera and scanner unit, as disclosed by Harvey, in the system disclosed by Bradbury, in the system disclosed by Chainer, for the advantage of providing a system for processing a customer concern with an interconnectable portable service station.
29. As per Claim 11, Chainer, Bradbury and Harvey disclose wherein the plurality of terminals comprises a first set of terminals for communication with a first set of terminals for charging the integrated digital camera and scanner unit.
30. As per Claim 12, Chainer, Bradbury and Harvey disclose wherein the plurality of terminals further comprises a second set of terminals for communication with a second

set of terminals for transmitting data between integrated digital camera and scanner unit and the first computer.

**31. Claims 4, 38, and 42 are rejected under 35 U.S.C. 103 as being unpatentable over Chainer.**

32. As per Claims 4 and 42, Chainer does not expressly show wherein the at least one identifying indicia is a vehicle identification number.

33. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The product concern system would be performed regardless of the type of indicia used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

34. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the vehicle identification number as the identifying indicia, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

35. As per Claim 38, Chainer does not expressly show wherein the product concern involves a warranty concern related to a vehicle.

36. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The product concern system would be performed regardless of what the warranty concern related to. Thus, this descriptive



material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a warranty concern related to a vehicle, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

#### ***Response to Arguments***

38. Applicant's arguments with respect to Claims 1, 4, 5, 7-14, 38, 40 and 42-45 have been considered but are moot in view of the new ground(s) of rejection.

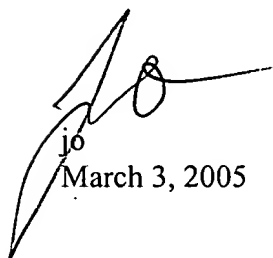
#### ***Conclusion***

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

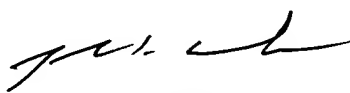
40. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

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41. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.



to  
March 3, 2005



JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600